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Chair

The Honourable Larry Bagnell

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● (1100)

[*English*]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning. Welcome back after the constituency week.

I want to remind people that tomorrow evening we have an official meeting—it's only half an hour—from 6:45 to 7:15 with Australia, with the clerk of the Legislative Assembly of the Northern Territory. It's in the Wellington Building. I think there are private member votes, so it will be right after the votes. We have to go to the Wellington Building because it's a video conference with Australia. It is a regular, official meeting. You're going to get the report tomorrow on the official aboriginal languages, so we could discuss it on Thursday, potentially.

Mr. Chris Bittle (St. Catharines, Lib.): Just on that point, I thought when it was brought up that it was "those who are interested" could attend. Is it an actual meeting, or is it just for interest's sake for those who are curious to hear?

The Chair: He mentioned that what we'd discuss at that meeting was just for those interested before.

Can you comment, Mr. Clerk?

The Clerk of the Committee (Mr. Andrew Lauzon): Sorry, I missed the question.

Mr. Chris Bittle: I will attend if there's a possibility for motions and whatnot, but if it's just for interest's sake, I don't know that it adds anything to the report. If it's a regular meeting, I will be in attendance. If not....

The Clerk: As it stands, it is a regular meeting. However, there are provisions. There was a routine motion adopted by the committee to allow it to take evidence with a reduced quorum. A reduced quorum is three, provided that there is one member of the opposition and one member of the government present. If the committee agrees that it's just to take evidence from the witness, then those reduced quorum provisions would apply and no decisions could be taken unless there were quorum, but it would still be an official meeting.

Mr. Chris Bittle: Does the committee agree to that?

Some hon. members: Agreed.

The Chair: Those will be the rules for that meeting tomorrow.

Welcome to meeting number 103 of the Standing Committee on Procedure and House Affairs. This meeting is being televised. Pursuant to Standing Order 111.1(1), the committee is considering the proposed appointment of Stéphane Perrault to the position of Chief Electoral Officer.

For members' information, the Chief Electoral Officer is appointed by the resolution of the House of Commons to hold office during good behaviour for a term of 10 years. The Standing Orders provide that no later than the expiry of a 30-day period following the tabling of the nomination in the House, which was May 8, a notice of motion to ratify the appointment will be put under routine proceedings on the Order Paper.

We are happy to be joined today by Mr. Perrault, who is no stranger to this committee.

You've been here many times. Thank you.

He has appeared on behalf of Elections Canada on numerous occasions and in various capacities since 2007. Since December 2016, he has been the acting Chief Electoral Officer.

Mr. Perrault, welcome back. You can now proceed with your opening comments.

[*Translation*]

Mr. Stéphane Perrault (Nominee for the position of Chief Electoral Officer, As an Individual): Thank you, Mr. Chair.

As you might imagine, it is a great honour and privilege to be here today before members of this committee.

The Chief Electoral Officer of Canada plays a role that is critical for the functioning of our electoral democracy and that comes with important responsibilities.

In the few minutes that I have, I would like to inform members of how I would intend to discharge those responsibilities, should this committee and the House of Commons decide to appoint me to that position.

Before I do so, however, I believe that it is appropriate to say a few words about my background and qualifications.

I was born and grew up in Montreal, but have spent my professional life in the Ottawa region where I raised my family. I am a lawyer by profession but, above all, I am a career public servant. I have worked in the federal public service for over 20 years, first in the Department of Justice and the Privy Council Office, and then at Elections Canada, where I have been for more than 10 years.

Throughout my career, I have been motivated by the opportunity to contribute to the public service and, in particular, Canada's outstanding institutions.

I admire above all respect for others and dedication—and believe that professional success is measured by the ability to contribute to and support performing and collaborative teams.

Throughout my 20 years in the public service, I have been involved in matters related to our electoral process, including in my work at the Department of Justice and at the Privy Council Office. As you know, I have also been acting Chief Electoral Officer for the last 18 months and have been active in preparing the agency for the next general election.

I would like to share my thoughts on how I see the role of the Chief Electoral Officer in supporting our electoral democracy.

● (1105)

[*English*]

It is the responsibility of the Chief Electoral Officer to oversee an inclusive and trusted electoral process that meets the evolving needs and expectations of Canadians. Our electoral process has endured the test of time and is highly regarded around the world, yet there are clear signs that adjustments are required.

Canadians are changing their voting habits. They expect and take advantage of flexible service options. Of the 17 million Canadians who voted at the last general election, four and a half million voted before polling day, which is an increase of over 100% from the previous election. That trend will continue as we move towards the next general election. We see it provincially and internationally. Of those who voted last fall in New Zealand, 47% voted before polling day. In order to meet the changing expectations of voters, we need to modernize our process and adjust it to the evolving reality.

As you know, I have been leading the agency in its work to improve services at the polls, through the use of electronic poll books as well as in the redesign of record-keeping procedures. These changes will allow us to speed up service to voters, in particular at advance polls, while ensuring the integrity of the process by improving record-keeping.

An equally important part of the Chief Electoral Officer's responsibilities is ensuring that the vote is inclusive. Electoral democracy is a promise of equality. It is the promise that all citizens, whatever their circumstances or condition, will have the same right and opportunity to select their representative. The quality of our electoral process has to be measured to a large extent by its inclusiveness.

While legal barriers to voting have been gradually removed, exercising the right to vote remains a challenge for some Canadians. When advising Parliament on new rules or designing services and procedures, the Chief Electoral Officer must be able to look at them not only through the eyes of the many, but also through the eyes of the few for whom voting may be a challenge: seniors, those who live in care facilities, new voters, voters with disabilities, voters in remote areas, and indigenous voters.

One of the roles of the Chief Electoral Officer is to actively engage these electors and to consult them on their voting needs and experiences at the polls. In recent years, Elections Canada has set up an advisory group on disability issues, and that has been of tremendous value. However, we need to do more.

A few weeks ago, Elections Canada held what we called a "demo day" with various stakeholder communities, to look at some of our changes in services and products for the next election. I invited political parties, new Canadians, youth, indigenous Canadians, and representatives of disability groups to tell us their perceptions of these changes and what further improvements we could make. This past year, we also set up an ad hoc panel of teachers to hear from them on how we could improve the tools we provide schools in support of civic education. A consultative approach with end-users helps to ensure that our products and services are inclusive and meet their needs.

Another critical role for the Chief Electoral Officer is to preserve trust in the integrity of the electoral process. That has always been an important aspect of the mandate, but it is increasingly important today, with growing concerns around disinformation, foreign influence, and cyber-threats.

This is why over the last 18 months, I have been investing considerable effort in upgrading and renewing Elections Canada's IT infrastructure. With the support of government security partners, we have redesigned our database architecture, renewed aging software, and are in the process of migrating to a new and more secure data centre. However, these are not one-time efforts. Technologies evolve, and systems rust out and become vulnerable to new threats. Elections Canada must continue to renew its systems on an ongoing basis, and to do so must improve its capacity to work across electoral cycles and not just from one election to another.

A final aspect of the mandate of the Chief Electoral Officer that I would like to highlight relates to the importance of ensuring a predictable regulatory environment for parties and candidates.

As members are well aware, elections are by nature highly competitive and require a robust regulatory framework that ensures their fairness. However, competing parties and candidates require, above all, clarity and predictability as to the rules and how they will be applied to them and to their opponents. Training for parties, for official agents, as well as for other participants is critical and must be the cornerstone of Elections Canada's regulatory function.

Where the law is grey, it is the role of the Chief Electoral Officer to bring clarity. Disagreements on matters of interpretation are unavoidable, but Elections Canada needs to be clear and predictable. This is not always easy. The regime is sometimes complex, as members know, and predictability is often in the eyes of the beholder.

However, there are critical success factors. The first is transparency. As an agency, we cannot be predictable if we are not transparent. We need to explain why we take a particular position and, if at some point in time we feel compelled to change that position moving forward, we need to say on what basis and explain the consequences for participants.

The second is sustained engagement with regulatory stakeholders. We cannot be predictable if we work in isolation. Predictability requires a healthy regulatory relationship. We need to understand the realities and activities of parties and candidates and be able to discuss them in a relationship based on trust and mutual respect. This is an area where I believe Elections Canada, with the support of political parties, has made much progress. However, efforts must be sustained for progress to continue.

● (1110)

[*Translation*]

Should the committee and the House grant me their trust in appointing me to the position of Chief Electoral Officer, I will endeavour to preserve that trust by adhering to the highest standards of integrity and neutrality, and I will continue to work with parties and with parliamentarians to support and improve our electoral democracy.

Thank you.

The Chair: Thank you very much.

[*English*]

We've really appreciated the work you've done for us to date, and now we'll go to Mr. Simms for a round of questioning.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): Mr. Perrault, thank you very much, and thank you for your services over the past 18 months since you've been doing this. That's quite something.

I like what you said earlier: you can't be predictable if we work in isolation. In saying that, boy, we spent a lot of time going through recommendations as put forward by the CEO, and this is obviously a regular event, which is a fantastic exercise between Parliament and your office.

I know we've included 85% of the recent recommendations within that report in the impending legislation, Bill C-76. Very simply, off the top, how are we on these recommendations right now in your mind, now that you're embarking on this new permanent, full-time position? Where are we when it comes to the recommendations brought forward by this committee?

Mr. Stéphane Perrault: Certainly it has been a very productive year in working with the recommendations report with this committee. We're very happy to see much of the recommendations unanimously endorsed by this committee. I think that goes a long way toward the credibility of our electoral process, and many of them were also endorsed by the government.

I think working collaboratively with this committee on a recommendations report is important. I think one area where we've improved over the years is working with the parties. I'm referring in particular to the process for guidelines and interpretation notes that was introduced in 2014. That has created the window of opportunity to do the kind of work we've done with this committee outside the House, with the parties, in understanding the regulatory framework.

I think in both instances the collaborative nature of the work helps build a robust and trusted electoral process.

Mr. Scott Simms: In particular, what are you working on as a short-term goal right now that are some of our recommendations?

Mr. Stéphane Perrault: Of course we're thrilled to see the bill has now been introduced. I was concerned before I appeared before this committee on the main estimates that we did not have a bill then. We do have a bill now. We are refining an implementation plan for that bill. We will begin work on that over the summer.

We are at a point where, whether or not it's passed, we have to work on different scenarios, so we have to be ready to roll out an election based on the current legal framework, and we also have to start preparing for an alternative framework. Over the course of the summer we will work on new manuals and training modules. As I said when I was here before this committee, on September 1 we're doing integrated testing of our IT systems. Once those systems are solidified we can start looking at changes that relate to Bill C-76.

We will be working at implementation as the bill progresses through this House and through the other House, and if adjustments need to be made, then we'll be making them along the way.

● (1115)

Mr. Scott Simms: You put a lot of emphasis on the training of officers involved in the election. I wholeheartedly agree, especially when you have so many ridings across the country, and you have 335 of them in those positions. Are you confident about the IT training going ahead right now, and the method of training you're doing for the people coming up for the next election, especially the new ones?

Mr. Stéphane Perrault: We've begun training our returning officers for the next election. They're aware of our recommendations. One of the things we've worked on with returning officers is building more of what we call a one-team culture. It used to be, largely I think for historical reasons because these were Governor in Council appointees, that there was a gap between what we call the field returning officers and Elections Canada.

Now we work in a much more integrated way, so they are part of the team. They've been involved in the transformation of projects. They're aware of the legislation. They're aware of where we want to go, and so there's much greater cohesion. I'm confident they will be supporting us well for the next election.

Mr. Scott Simms: Of course, with the recommendations that we discussed here, that should make it easier for the transition when you do the training. I realize that.

Very quickly, I would be deeply regretful if I didn't pass on my experience with remote areas. I live in a rural area, as you know. I've mentioned it several times. One of the keys of rural areas is that we're a transient crew. A lot of us work in transient ways, which is to go away for two weeks, come home for two weeks, that sort of thing. There's a lot of volatility around a month period or certainly around the writ period. Because I've been here for a while, one of the improvements over the past couple of elections has been allowing one or two of those offices to stay open during the entire writ period so that people can vote whenever they wish. Maybe you could expand that in rural and remote areas. Perhaps you would like to comment on that.

Mr. Stéphane Perrault: Sure. Apart from the 338 returning officers, we have about 150 additional what we call satellite returning officers. This is because some ridings in Canada are, as you know, very, very large, and it's not possible to properly service voters from one location. Therefore, we have multiple offices in the larger ridings, and that is something we will continue, of course.

Mr. Scott Simms: Thank you very much.

Just finally, in the last session of Parliament, when we were going through the "Fair" Elections Act, one of the things that was talked about was.... There was a huge argument as to what the role of Elections Canada is when it comes to engaging the public. On one side of the argument, your only role is to say to people when and where to vote for all 338 ridings. On the other side, we were saying it was public engagement to encourage the exercise of democracy for young people, for indigenous people, for rural areas.

What do you see in this role of yours as to the way Elections Canada can best engage with the public?

Mr. Stéphane Perrault: Assuming the law is changed, of course.

Mr. Scott Simms: I always assume laws will change, sir.

Mr. Stéphane Perrault: I think it's a bit of both, to be quite frank. I think the debate was more one of principle than one of practical concerns in the sense that I certainly see that during the writ period, our role is to inform voters about where, when, and how to register and vote and to make sure they have the correct information.

Motivating voters during that period is a tricky thing. It's hard to motivate without touching upon issues, and that is something for parties and candidates to do. It's not our role to define the hot-button issues for the election, the ones that trigger participation. So during the writ period, our role is to inform about where, when, and how to register and vote.

When you look at it more broadly, what we found unfortunate with the current legislation is that when you're engaging youth, for example, and you're speaking to groups that straddle the line, in CEGEP, for example, in Quebec, between 17- and 18-year-olds, you're not supposed to talk about the importance of voting to young voters just because they're 18-year-olds.

I think that's a bit unfortunate. I think we do have a role to play to educate the population, especially youth, outside of the election period about the importance of our democratic institutions and about the importance of voting. However, when the writs are issued, then our role shifts, and our role is to inform voters about their voting options.

● (1120)

The Chair: Thank you.

Thank you, Mr. Simms.

Now we'll go on to Mr. Richards.

Mr. Blake Richards (Banff—Airdrie, CPC): Thank you Mr. Chair.

Thank you for being here and for sharing with us your experience and background. I have certainly enjoyed a good working relationship with you here on this committee in the past. If you're confirmed, I have no doubt that we'll continue to enjoy a good relationship, so thank you for being here today.

Obviously there has been a lot of talk and speculation in the media about the process around your appointment. I'll have some questions that get to that to some degree. Obviously that helps us to assess the choice being made.

Let me start by asking you when you first submitted your application to be the next Chief Electoral Officer.

Mr. Stéphane Perrault: I'm not good with dates, but if I remember correctly it was around the end of September that a posting was done for the position, and I submitted my application within a couple days of that posting. I was quite ready for it to happen, and that's when it happened.

Mr. Blake Richards: Do you know much more about how that process was conducted? It was opened. You were obviously interviewed at that time. Obviously there was at least one other person who was interviewed. Do you know how many others were interviewed? Do you know how the process unfolded from there?

Mr. Stéphane Perrault: I certainly can speak at fair length to my experience of the process. I don't think it's for me to speak to other people who may or may not have been involved in the process.

In my case I submitted my application. There was an interview, I believe in early November, so the process ended at the end of October, if I'm not mistaken. Early November there was an interview with members of the Privy Council Office. Minister Gould's office and PMO was there. There were, I think, five or six people there, so it was a fairly extensive interview.

That was followed by a reference check. It was a 360 reference, so there was someone from the outside, someone from the former employer, and a current employee or former employee. That was before Christmas.

It was followed by a series of psychometric testing. There's some online testing, two separate tests that are done online. Then, with a psychologist, there's a 90-minute live interview, which is basically a mental agility test. Again, it was very thorough. It went on for about 90 minutes.

That was before Christmas. I did get a call, I think, in February, from Minister Gould. I understood from her at that point that she was just doing a personal check on all of the people on the list. I don't know who these people were. She called me for a brief interview over the phone, and that was the last formal aspect of the process.

Mr. Blake Richards: Okay, and you said that occurred in February, as best you can recall.

Mr. Stéphane Perrault: If I remember correctly, yes.

Mr. Blake Richards: I have other questions, but given the fact that Mr. Perrault has already indicated that he wouldn't have answers for some of the questions that may be required, I'm going to give notice of motion. It reads:

> That the Committee invite the Acting Minister of Democratic Institutions, Scott Brison, to appear within two weeks of the adoption of this motion, to answer questions regarding the appointment of a new Chief Electoral Officer, for no less than two hours, and that this meeting be televised.

I'm moving a notice of motion for that, but I do have further questions, so I'll move to those.

That conversation with the minister happened in February. That followed the other testing you indicated. It followed an interview that even included the Prime Minister's Office, shortly after you applied in October. Were you then informed at some point that another candidate had been chosen for the position?

Mr. Stéphane Perrault: I got a phone call from the senior personnel in the Privy Council Office telling me that letters would be going out to parties that day or the next day—I'm not sure—and that my name was not on those letters. They did not tell me whose name was on those letters. That was just the day before the *Toronto Star* article that everybody is familiar with.

There was nothing after that until about a month later, when I received a second call, again from senior personnel in the Privy Council Office, asking whether I was still interested in the position—and of course I am still interested in that position—and I said yes. At that point, there was an indication that letters would be issued to parties with my name on those letters.

● (1125)

Mr. Blake Richards: Was that someone in the Privy Council Office in both instances?

Mr. Stéphane Perrault: Yes.

Mr. Blake Richards: You weren't informed as to what had occurred in the interim or why you were receiving this second call. You didn't inquire, I guess, either.

Mr. Stéphane Perrault: I did not inquire, and I was not informed as to the reasons they were doing a second set of letters.

Mr. Blake Richards: I think you've probably already answered the next question I have, but I'll ask it anyway, just to be sure. When that first candidate was chosen—obviously someone else was chosen—you weren't consulted at all on that candidate, obviously.

Mr. Stéphane Perrault: No.

Mr. Blake Richards: What was the process following that? Were you simply asked if you were still interested in the position, and there were no further interviews or other types of processes that occurred? Was it simply, "Hey, something's changed. Are you still interested?"

Mr. Stéphane Perrault: Exactly.

Mr. Blake Richards: I have another question in this regard as well. I believe that in the May 12 *Canada Gazette*, it was stated that the government was still receiving applications for this position up until May 17. Were you aware of that?

Mr. Stéphane Perrault: I think the process indicated that there was a 30-day posting, but that names would be received until an appointment was formally made. I think it's standard for all senior appointments. I believe that was the understanding from the outset of the process.

Mr. Blake Richards: What I will do is simply indicate at this point that obviously there are some questions here that remain unanswered. We appreciate the background and the qualifications of the candidate being put forward here. However, obviously, there has been some kind of irregularity in this process, and no one seems to know what it is. The witness here today can't answer that, and that's why I've moved the motion.

I think it's important, in order for this to be properly assessed, that there be some answers given to that to determine whether the best candidate was in fact chosen. This process seems to be bungled so badly. Especially given the pattern we've seen of this government in bungling these types of appointments, we do need to get a sense, and I think that's why the motion is so important. I've given notice that I will be moving that, and we look forward to the next round of questioning.

The Chair: Thank you, Mr. Richards.

Now we move on to Mr. Cullen.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you, Mr. Chair.

Good morning, again.

I'm going to stay on the process for a moment. I can understand it might be a little uncomfortable, just because you weren't in charge of the process; you were simply involved in it.

To pick up on the timeline for a moment, at any point in the process—the interview process, the conversations with the minister—were you made aware of any consultations that had happened with the other parties in Parliament?

Mr. Stéphane Perrault: The only thing I was made aware of, I think it was the day before the *Star* article came out, was that letters would be going out or had just gone out, and I was not on those letters.

Mr. Nathan Cullen: Right. In terms of the first nominee....

Mr. Stéphane Perrault: Correct. That's all I know.

Mr. Nathan Cullen: If you're successful in this, you'd be an officer of Parliament hired by Parliament for 10 years.

Mr. Stéphane Perrault: Correct.

Mr. Nathan Cullen: I have seven minutes to ask you questions. I usually take longer than seven minutes to hire somebody in my office. I think most of us do, as members of Parliament—I hope most of us do. It puts us in a difficult position because the law says that the government is required to meaningfully consult with the other parties on officers of Parliament, of which you would be one. You had more notice than we did. You had a day's notice. We saw, in the *Toronto Star*, who was going to be nominated for the new Chief Electoral Officer. That name was then withdrawn with no reasons given privately or publicly by the government. Your name was put forward. I like you, by the way. We've had many conversations, so don't take any of this personally.

This is the process that we've been subjected to as MPs. We have to vote yea or nay to support your nomination to do the job for Parliament on behalf of all Canadians. I think it's one of the most important jobs we hire for here: the safe, fair conducting of our elections. Would you agree with that?

● (1130)

Mr. Stéphane Perrault: I certainly would agree with that.

Mr. Nathan Cullen: This is awkward in that we have a few minutes to ask you questions.

Let me ask you something very specific in terms of qualifications. There are certainly new threats since you started with Elections Canada some years ago, including foreign threats, foreign governments, foreign actors, fake news, and the influence of social media on our outcomes. Can you give us a brief description of what skills you might bring to the job in facing these threats, which, as we saw in the U.S., Great Britain, and other places, are significant?

Mr. Stéphane Perrault: Thank you, sir.

Indeed, quite significant threats are emerging in large part driven by the opportunities that technology provides. That allows penetration by foreign actors, in particular. It's an issue that is much broader than Elections Canada. Certainly we have a role to play. The commissioner has a role to play, and security—

Mr. Nathan Cullen: What's the main role you have to play in that? It's the Information Commissioner. It's Facebook. It's Twitter. We have responsibilities as private citizens, private actors. What's the main role Elections Canada has to play?

Mr. Stéphane Perrault: Our main role is making sure that Canadians have the right information on where, how, and when to register and vote. One of the things we're doing at the next election, apart from monitoring the social media environment, which we did during the last election as well, is that we're going to create a repertoire of all of our public communications. If there's any concern that a communication is not from Elections Canada, or that it may not be accurate, we'll have, publicly on our website, every public communication so that it can be verified by parties, by candidates, by Canadians, and by the news outlets.

Mr. Nathan Cullen: On this proposed bill, Bill C-76, we're not sure....

Is it under time allocation yet, Scott? No? It's under the threat of time allocation.

Mr. Scott Simms: You're all good.

Mr. Nathan Cullen: They've given notice to time allocate, which is interesting, because I'm just looking at quotes from my friend Mr. Simms that say that election laws should never be put under time allocation—never. I know. It's weird. So said Mr. Easter. So said Mr. Lamoureux, who likes to say a lot. It's also on record because the government is now in a position of doing what the previous government did on something so fundamental as our election laws, by taking a unilateral or arbitrary approach with them, rather than consulting with us beforehand. They didn't.

You had a deadline for new election laws to be brought in, to be passed. Was it the end of April, May 1? Elections Canada said, "We want the bill in hand, in law, in order to prepare for the next election."

Mr. Stéphane Perrault: Correct.

Mr. Nathan Cullen: That didn't happen.

Mr. Stéphane Perrault: It did not. We do have a bill—

Mr. Nathan Cullen: You do have a bill.

Mr. Stéphane Perrault: —and what we are doing, which is somewhat unusual, is that we will start preparation towards implementation, anticipating its passage and adjusting as required, because I cannot take for granted, first, that it will pass, or second, that it will pass in the exact state that it is introduced, so—

Mr. Nathan Cullen: As New Democrats, we agree with reversing the vouching requirements that were done away with under the previous "Unfair Elections Act", and with the education component that was talked about earlier. There are some things in there that we want to see succeed. They were sitting for 18 months untouched by the government. There was no sense of urgency. Now they're rolled in, but now it's been rolled in as an omnibus bill, with other things that we do have legitimate questions on, like freedom of speech.

Let me ask you one about data, because that's an important thing that Elections Canada deals with. You give the parties a lot of data, the personal information of Canadians.

Mr. Stéphane Perrault: Correct.

Mr. Nathan Cullen: Are the parties subject to the Privacy Act right now?

Mr. Stéphane Perrault: They are not.

Mr. Nathan Cullen: Do you believe they should be?

Mr. Stéphane Perrault: We've recommended in the past, and continue to believe, that they should be required to comply with basic privacy rules.

Mr. Nathan Cullen: Yes.

Mr. Stéphane Perrault: The 10 basic privacy principles that you find in PIPEDA that are inspired—

Mr. Nathan Cullen: Do you think this should be suggested or in law?

Mr. Stéphane Perrault: I think it should be in law. I think they need to be required to do that and I think there should be some oversight.

Mr. Nathan Cullen: By whom?

Mr. Stéphane Perrault: Ideally, I think it's the Privacy Commissioner. He's the expert in that area, but there may be other options. We've recommended other options in the past.

Mr. Nathan Cullen: We've seen with the Cambridge Analytica scandal, Brexit, and the Trump election the ability to manipulate, using vast amounts of data. The government gave Cambridge Analytica a pretty sizeable contract. The ability to manipulate voters going into the voting booth with fake news, alternative facts, and that vast amount of data is an actual threat to our democracy.

Would you agree?

Mr. Stéphane Perrault: Yes. I think it's important that we be prudent about how personal information is used in the context of the electoral competition.

Mr. Nathan Cullen: Are we prudent right now? Do we know?

Mr. Stéphane Perrault: We don't know a whole lot.

Mr. Nathan Cullen: We don't know.

Mr. Stéphane Perrault: Yes.

Mr. Nathan Cullen: We don't know what parties do with the...? Can parties sell the personal information of Canadians right now?

Mr. Stéphane Perrault: It's not a simple answer. Parties can only use the information that we provide for purposes related to a federal election.

● (1135)

Mr. Nathan Cullen: How about other sources of data?

Mr. Stéphane Perrault: That's the issue. It's all put into a database that includes various sources and we're not quite sure which sources. At that point, it's impossible to tell whether the name or address of a person comes from Elections Canada or from another source.

Mr. Nathan Cullen: Elections Canada is essentially blind to how parties collect and then use data in the course of an election.

Mr. Stéphane Perrault: Correct.

Mr. Nathan Cullen: Should you be made aware of that? As to how parties use data, do you want to have that knowledge or the Privacy Commissioner at least?

Mr. Stéphane Perrault: I think Canadians need to know how parties.... That's the key point.

The Chair: Thank you, Mr. Cullen.

Now we'll go on to Ms. Tassi.

Ms. Filomena Tassi (Hamilton West—Ancaster—Dundas, Lib.): Thanks, Mr. Chair.

Thank you, Mr. Perrault, for being here today, for your testimony, and all the great work that you've done to date.

With respect to C-76, about 85% of what's contained in there are actually recommendations from the CEO, so I trust that you're pretty pleased with that—

Mr. Stéphane Perrault: Absolutely.

Ms. Filomena Tassi: —and that you are looking forward to the implementation of those recommendations and other things that are contained in the legislation.

In terms of the process, you mentioned that you are refining the implementation plan and that, over the course of the summer, you'll work on the implementation. Can you comment on what you perceive as your potential progress in that plan?

Mr. Stéphane Perrault: We haven't begun executing that plan.

This summer, we'll be starting work on the guidebooks for poll workers and the training material. What we will need to do is to build those guidebooks based on the current legislation, but also contemplate adjustments to those guidebooks for C-76.

When I appeared on the main estimates, I said that we are migrating 27 systems to a new data centre and we need to do integrated testing on September 1. We will proceed with that plan and, once we've done the integrated testing—it's a tight schedule, but things are going quite well—once we've solidified, then we will look at what IT changes are required for Bill C-76.

I think we're looking at 18 systems that are affected by Bill C-76. We will look to minimize. In some cases, they are minor changes, while in others, they're more comprehensive. Once we've done the integrated testing, we will then look at the other IT changes that are absolutely required for implementation of C-76. If it's not absolutely required, it will be deferred.

Then we're going to do a second series of integrated testing on January 1. Hopefully, at that point in time, there will be no further impacts on the IT system, so that we can do our simulations in the field with the new systems, as we planned.

Ms. Filomena Tassi: With the progress of your plan moving forward, are you confident that implementation is doable?

Mr. Stéphane Perrault: I'm confident that it is doable. I think we'll have to limit what we leverage, in terms of....

A lot of the changes that are being brought forward, which came from the former CEO's recommendations, are changes that provide flexibility to the Chief Electoral Officer. We don't have to exercise that flexibility in all cases for the next general election. In some cases, we will. In other cases, where it requires significant investments of energy and preparation, we'll defer that to the next election. Therefore, there is flexibility in the act, based on how we implement this.

Ms. Filomena Tassi: Okay, very good.

With respect to the process, congratulations. It sounds like the process was very robust and thorough.

You mentioned you had an interview with five or six people, then a reference check, which was a 360 reference check, and online tests. How extensive was the online testing?

Mr. Stéphane Perrault: The online part is fairly simple. It's more about personality type. That's followed by a live interview and that's more on mental ability.

Ms. Filomena Tassi: That was the 90-minute live interview.

Mr. Stéphane Perrault: Correct.

Ms. Filomena Tassi: Then a private interview with the minister.

Mr. Stéphane Perrault: Correct.

Ms. Filomena Tassi: Okay.

I'd like to pass the rest of my time to Mr. Simms.

Mr. Scott Simms: First, I neglected to mention, happy National Seal Products Day to everybody, by the way. I just wanted to do that, because I'm sure all coastal MPs agree.... Well, I'm not so sure about you, but happy Seal Products Day.

One of the things you talked about was the electronic poll books. Are we really going to be ready with this material for the next election? I've heard a lot about this, and I think it's a wonderful thing, but to what extent are you confident that this is going to be working the way you want it to work for the next election?

● (1140)

Mr. Stéphane Perrault: Things are progressing well in accordance with our schedule, so I'm happy to report on that. We're completing the design of the procedures in the poll book as we speak, and we will be using the poll book in a by-election as a pilot next fall. In all likelihood, there will be some by-elections next fall, so before we use it in a general election, we want to be able to use it in a by-election.

The other thing is that we have decided to roll out the poll books progressively. We will be rolling out poll books at the next election only at advance polls, so we're taking this in bites. For the subsequent the general election, we're looking at rolling out poll books across both regular polls and advance polls, but for the first general election, we want to use them at advance polls where we had the lineups at the last election and where we will have lineups if we don't do anything about it for the next election.

Mr. Scott Simms: One of the things I fear in this case is.... Obviously, some will still resort to the paper way in which they did it before. Some will be creating bottlenecks in the system, which I gather is what happened in the last go-round. Certainly, avoiding all these bottlenecks is going to be crucial, given the fact that there is such a large reliance on what is going to be electronic in the next election.

Mr. Stéphane Perrault: Yes.

Mr. Scott Simms: I want to go back again to the prospect of foreign voters, or I should say, Canadians outside of Canada who want to vote. That was a big issue in the last election, with the five-year rule and so on. Where are you on that file right now? There was a huge push-back in the last Parliament from Canadians living abroad who felt that their rights had been taken away.

Mr. Stéphane Perrault: Yes. As you note, this is a matter that's also before the courts as we speak, but it's also part of the Bill C-76.

Mr. Scott Simms: Right.

Mr. Stéphane Perrault: We foresee a fairly manageable increase in participation from voters abroad. We are not concerned about the volume increase, and we are confident that we can manage that. When we look at the longer-term future, what we have to improve is the ability to enable those voters to cast their ballot in a timely way.

Voters who are living outside of capitals or large cities have a hard time sending in their ballot so that it can be counted on time, so it made them—

Mr. Scott Simms: That was a question I had, the fact that for people living outside of capital cities, it must be extremely—

I'm done, is that what you're saying, Mr. Chair?

Can I get a final comment on that?

The Chair: Sure.

Mr. Stéphane Perrault: This is a project we have put aside for the next election because of everything else that is going on, but right now people can apply online to receive a ballot kit. The ballot kit is sent by traditional mail, and it has to be returned by traditional mail, so there's a two-way traditional mail exchange that is quite long.

In the future, we would like to have a downloadable kit. They apply online and they receive the kit online. They download it, they print it, and then they send it by traditional mail, so hopefully, that will reduce the impact.

The Chair: Mr. Richards.

Mr. Blake Richards: Thank you.

Some questions today have touched on this a little, but I don't think we've really gotten to the key point of the matter. Last time you were here, you indicated to us that April 30 was the drop dead date at which we would need to have changes in place to make it possible to fully implement them before the next election. Obviously, that deadline has passed. We saw legislation come forward that day, but it has certainly not passed and it's nowhere near that stage at this point.

You indicated at that time that anything beyond this would require some compromises in its implementation. You also indicated today that there would be some significant changes which, if this legislation were to pass, you would probably have to defer until the next election.

Can you give us some indication of what some of those compromises will be with the piece of legislation before us now and what some of the changes are that couldn't be implemented in time for the next election?

Mr. Stéphane Perrault: The first thing I mentioned was that in many ways the proposed legislation provides the CEO with discretion to do certain activities or not to do them, to redo the voting procedures at the poll in a different way. We will not redo the voting procedures at regular polls for this next election. This is something that I told this committee last February, because of where we were in the cycle. We are, however, working on the advance poll scenario.

The bill also allows us to provide a new service, which is a mobile advance poll. In remote areas, where there are often not enough populational workers to support four days of advance polling, we could do mobile advance polls. At this point, we do not know whether we'll be leveraging that capacity, because it has an impact on some of our systems to produce the voter information card, and the priority will go to system changes that are mandated by the legislation. That's an example.

There are major changes to the political finance regime that have impact upon IT systems. We will focus on those changes that are critical to process the reimbursements for candidates and the party returns.

Some of the reports, whether related to Bill C-50, the fundraising report, or third parties, will be posted in PDFs. A PDF is searchable online, but it's not searchable across reports. The level of transparency by PDF report is thus not optimal. Of course, in the future we'll move away from PDFs, but for this election, this is the kind of compromise we have to make to ensure that we are ready to roll out the election in an orderly way.

● (1145)

Mr. Blake Richards: You mentioned also that you would be doing preparations based on the current framework and then some alternative preparations based on the potentially new framework.

What are some of the major differences in that regard, in terms of the preparations? What's your confidence level that you would be able to do two sets of preparations?

Mr. Stéphane Perrault: A number of differences affect the process at the polls. For example, all of the oaths will have to be redone. The process of attestation will now, if it's passed, become a vouching process, which we're quite familiar with—it was done before. There's the issue of the voter information card as proof of address, as you're well aware. These do not present major challenges in terms of implementation.

There is quite a bit of work to do on the implementation of the Canadian Forces vote. That will be critical work.

There's quite a bit of work to do as well on the political financing side. The new categories of expenses, the new reimbursements level —all of that—is processed currently with IT systems that are fairly antiquated and not very flexible. There's a fair amount of work there.

Mr. Blake Richards: The political financing is obviously a pretty critical element. Can you give us a bit more detail as to what you see the challenges being and what compromises might be required there?

Mr. Stéphane Perrault: We will implement this law. The reports will be published. The question is whether they'll be published in the PDF format or in a fully searchable database.

For candidates, I'm quite confident that they will be published in a fully searchable database that allows doing horizontal audits across campaigns and through the EDAs to make sure that contributions are not exceeded, for example. We'll focus, then, on those areas in which technology is more critical to the process and to the timely reimbursement of candidates' expenses. You rely on those reimbursements for the next general election or by-election, and we have to make those reimbursements as quickly as possible.

Mr. Blake Richards: Thanks.

The Chair: Thank you.

Ms. Sahota.

Ms. Ruby Sahota (Brampton North, Lib.): Thank you.

I would like to get a little more of your opinion on the voter information card. There has been a lot of talk about it, and I believe some misinformation is already starting to spread about the use of voter information cards as a piece of ID for your residence. I know it was one of the CEO's recommendations, and I couldn't help but think about it during your intro as well, when you talked about making it simpler for all people to engage in the democratic process regardless of their background or where they live. This includes young people, indigenous people, seniors, and people with disabilities.

Can you tell me a little bit about your views and how you see this being implemented once the legislation passes?

● (1150)

Mr. Stéphane Perrault: For the vast majority of Canadians, proving their identity is not a problem. Proving their address is a bit more challenging but for most Canadians it's not a problem. However, 14% of adult Canadians do not have a driver's licence. For these people there is no widespread document available that has their name and address on it, so it can be a challenge. If you are looking at utility bills in a household, they are often under one name and not the other. Having the voter information card as proof of address, when the name on the voter information card matches the name on the other piece of required ID, is of assistance to those voters.

When we talk about that, we talk about it in terms of accessibility, but I think there is another aspect that is also important and that is the aspect of dignity. I think for voters, the ability to vote independently is a profound matter of dignity. If you have an elderly couple where one of the spouses does not drive and does not have utility bills in their name, having to rely on their spouse to be allowed to vote in an election, to me, is a matter of fundamental dignity. It goes beyond the simple issue of accessibility.

Ms. Ruby Sahota: You've mentioned it and we're well-versed on the topic but I think, because we are televised today, that it could be helpful to people to understand how the voter ID card is used and to clarify that it is not something that would be used alone. Could you get into a little of the details, the technical details about that?

Mr. Stéphane Perrault: Correct, the voter information card would, under the proposed legislation, be allowed to be used in combination with another piece of identification. This is the case where someone comes to the poll with a piece of identification that does not have their address on it or does not have their current address on it. They also have their voter information card—and their name on the voter information card must match the name on their other piece of ID. The fact that they are coming to the poll with these two documents together suggests very strongly that they received it at their home, so the level of integrity in that process, to me, is very high.

Ms. Ruby Sahota: How many people would you say—since you've been in this role pretty much for 18 months now—were precluded from voting because of issues that came up with not having the proper identification during the last election?

Mr. Stéphane Perrault: We do not have data on the by-elections. What we know from the labour force survey, which is a high-quality survey done independently by StatsCan, is that about 152,000 Canadians were unable to prove their identity and address during the last election, and 50,000 were turned away. For most of these electors, the voter information card would be of great assistance.

Ms. Ruby Sahota: Where would you place your level of concern when it comes to fraud with voter ID cards and the balance of allowing people to exercise their right to vote?

Mr. Stéphane Perrault: There is no indication of any fraud. We used the voter information card as a proof of address in 2011. There was no indication of any concerning or fraudulent use of that document in that general election. What was shown in the general election was that there were record- keeping problems. There were people who were vouched for, for example, and the process of recording the vouching was not properly done. When you look at the voter information card as a piece of identification, it reduces the requirements to rely on vouching. In terms of integrity, I much prefer the voter information card in combination with another piece of ID to the vouching process.

Ms. Ruby Sahota: How can the record-keeping be corrected this time around?

Mr. Stéphane Perrault: There are a few things, and one is automation. A lot of the forms will now be automated, and you need to populate those fields in order to move forward to complete the form. The system will assist poll workers to make sure they fill out every part of the form. If it isn't, it will not process. That's one thing.

The other thing is that we've done a complete review of the forms to make sure they're easier to fill out and easier to train on. Whether you're having a manual process or an automated process, we think we'll see improvements.

We have, as you know, an external audit of compliance with the procedures at the polls. That's at every election since the last general election, and by-elections. That provides a benchmark that we'll be able to use to assess improvements in record-keeping, using the poll books at advance polls, and the improved manual process otherwise, vis-à-vis the traditional process that we used.

● (1155)

The Chair: Thank you.

Thank you, Ms. Sahota.

Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you, Mr. Chair.

How long do I have?

The Chair: You have five minutes.

Mr. Scott Reid: Okay, thank you.

I want to ask about Bill C-76 and the demands it will be placing upon Elections Canada. The act contemplates a reduced maximum-length writ period, but it also anticipates a new pre-writ period. We have a situation in which some of what we would normally think of as being associated with a writ has been moved forward to June 30, 2019, which, by my math, is 13 months and eight days from now.

The question is whether that puts a new administrative burden on Elections Canada that kicks in at that point, as opposed to the other things for which you have an extra month or two. Is that the case, that you'll be facing some systems that will need to be in place by that time?

Mr. Stéphane Perrault: It certainly requires us to redo all of our manuals, and in particular the manual for third parties. That regime is completely being redone.

We need to do those manuals, and we do the manuals, as you know, in a consultative process, which I think is excellent. We involve the parties. That means that we provide a draft and parties get to respond. We publish that in both languages, and we publish our responses to those drafts. We have to redo all of that well in time for the third parties, and the parties, to be aware of the new requirements.

In that case, it's less of a systems change because we will limit systems impact, but it's a training and guidance change.

Mr. Scott Reid: That's true. I remember going through a similar discussion with you, and also your predecessor, Mr. Mayrand, regarding some of the timeliness we would have faced if we had attempted to have a referendum on electoral reform and then proceeded with that new electoral system by 2019. I remember that training came up as being the first of the goalposts that had to be met chronologically.

I want to ask you about the issue regarding rebates to parties. One of the worries I have had—and you'd know this from previous conversations we've had at this committee—is that I'm very concerned with the unintentional destabilization of our system if one of the parties finds itself impoverished, for example, by being engaged in very expensive litigation involving Elections Canada.

Another area that concerns me with regard to rebates is this. I can imagine a situation in which we have a minority government following the next election, and we find ourselves going into a second election within 12 months. These things have happened, not frequently, but they have happened in the past. I know you want to expedite rebates as much as you can.

Is there a danger that you could have a situation in which rebates go back to one party faster than to others or, in a riding, to one campaign faster than another, all things being the same? Having identified this problem, is there any way of trying to ensure there's always as level a playing field as possible?

Mr. Stéphane Perrault: There are a few elements to answer there.

Apart from parties, which of course we do party by party as there's no other way of doing it, for candidates, we don't do party by party. We take them by region, and we don't prioritize based on party affiliation. It comes in and, if you file earlier, then you will get your audit done faster. There are candidates who get their rebates faster than others, but that would not be across party lines.

I do think we need to improve the timeliness of audits. I think that in today's world, timeliness of information is critical. People talk more and more about real-time reporting of contributions. We're not there yet, but I'm pretty confident we'll get there soon enough. As soon as the election is done, people want to see the returns and they want to make sure that they're audited.

We will need to make some improvements on how we do audits of candidates. It may not be for the next election, but we need to reduce that timeline, both to increase the transparency and to make sure that reimbursements are done in a timely fashion, and if there is a minority, for example, that candidates have that reimbursement to fight the next election.

● (1200)

Mr. Scott Reid: Right. I recognize the other side of the equation, as you don't want to reimburse expenses that are not legitimately claimed. I suspect that once one is reimbursed money, it's hard to undo the reimbursement as a practical matter, whatever the law may say.

I had the interesting experience after the last election of getting reimbursed for more than I'd actually spent, and I subsequently had to—

Mr. Nathan Cullen: Tell us more, Scott.

Mr. Scott Reid: What happened was that you are reimbursed at a rate. Is it 15% of the allowable limit?

Mr. Stéphane Perrault: Correct. There is a percentage of upfront reimbursement.

Mr. Scott Reid: Right.

Mr. Stéphane Perrault: Because of the uniqueness of the last election, because the spending limit was pro-rated to the length of the election and those spending limits were so high, first, very few candidates spent to that limit, and second, many candidates got an initial reimbursement—which is designed to help them pay off their debts—that was greater than their end reimbursement. We had to chase a fair amount of money after the last election.

Mr. Scott Reid: Yes, you described the situation that happened to us. That's an interesting problem.

My greater concern is simply money being reimbursed at different times to different parties in the event that there is a writ very shortly after the election. I suppose what we can do is maybe just think about that, and then this may or may not prove to be an issue. We won't know until then.

The Chair: Thank you.

Mr. Scott Reid: In the remaining time—I have just a few seconds—I want to say congratulations on being here and on getting the post. I think you're extraordinarily well qualified, and I'm very pleased indeed to see that we'll be enjoying working with you for the next decade.

Mr. Stéphane Perrault: Thank you.

The Chair: We're technically out of time, but with liberalism, if Mr. Cullen wants a minute, we'll give that.

Mr. Nathan Cullen: That would be very helpful.

The Chair: Go ahead.

Mr. Nathan Cullen: Here's something that we haven't touched on yet. I'm just reading through the Supreme Court decision about early election results coming out from one part of the country prior to polls closing. In some cases, it's three, four, or five hours before polls close. Four hours would be accurate on the west coast.

It has, in the past and currently, led to some western alienation. It's something to be heading with your kids to the polls when you hear results coming forward and "whoever Mansbridge is now" determining the results of the election before folks in Alberta, Yukon, and British Columbia have voted.

Is there anything we can do about this to respect the Supreme Court's decision that it's actually an infringement on section 329 of the Canada Elections Act to be allowing significant results to be posted insofar that you have unequal voting in terms of information? That all voters vote equally is protected under the Canada Elections Act.

Many of my voters ask if there is not something that can be done—changing closing times, changing reporting times—so that folks in places like Scott's riding wait a bit.

Mr. Stéphane Perrault: There is no perfect solution to that. As you know, the limit on the prohibition on disclosure of the results was lifted by Parliament because there was no way to contain the results.

Mr. Nathan Cullen: But the Supreme Court didn't agree with that.

Mr. Stéphane Perrault: No, the Supreme Court validated the previous rule, but the rule was lifted by Parliament.

Mr. Nathan Cullen: That's right.

Mr. Stéphane Perrault: Now the information flows.

There is some staggering of the voting hours.

Mr. Nathan Cullen: Not much.

Mr. Stéphane Perrault: You get to a point where if you increase the staggering of the voting hours, that creates some unevenness in terms of voting opportunities. If you sit on the results for too long, people are suspicious, and they're—

Mr. Nathan Cullen: If you simply started counting a little later.... I don't mean that you'd have the results that you'd then sit on and create that suspicion. People are staying up late in Newfoundland anyway.

A voice: [*Inaudible—Editor*]

Mr. Nathan Cullen: They are too.

Mr. Stéphane Perrault: The average age of our poll workers is quite high. These are people who work 16-hour days—

Mr. Nathan Cullen: Understood.

Mr. Stéphane Perrault: —and in many cases, I would call it cruel and unusual to extend the counting hours beyond what they already are.

The Chair: Thank you very much. We've had great work with you over the last year on the various recommendations from your office. We really appreciate all the service you've provided to us, and your great public service. Thank you for coming today.

Mr. Stéphane Perrault: Thank you. It's my pleasure.

The Chair: This is just for the committee. Tomorrow you'll get our aboriginal language report. On Thursday, we could look at that for the second hour. In the first hour, the committee and any subcommittee members who want to, in camera, can educate the independents on our subcommittee's report so that they are aware of it before it's tabled in Parliament.

Ms. Tassi.

Ms. Filomena Tassi: Would the chief human resources officer be attending that?

● (1205)

The Chair: Oh, yes, we'll invite him and see if he's available as a resource.

It's a confidential report, as you know, but you can share it with your caucus colleagues. That was the idea, to go back to your...but not with the text of it. The other thing is that we'll allow the independents, as you can, to bring one staff member to that confidential briefing.

Is that okay with people?

Ms. Filomena Tassi: Just for clarification, Chair, my understanding is that the sharing of that report is to be a verbal sharing and that we are not to circulate anything in writing. Is that correct?

The Chair: Yes.

Ms. Filomena Tassi: Okay. Thank you.

The Chair: My understanding is that the Conservatives will do it the week after this.

The meeting is adjourned.

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